

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11cr135-MOC-DCK**

UNITED STATES OF AMERICA,)	
)	
)	
Vs.)	ORDER
)	
NICHOLAS T. COX.)	
)	
_____)	

THIS MATTER is before the court on the joint Motion to Set Peremptory Trial Date in late November or early December 2011, or as soon thereafter as possible. Having considered the joint motion and reviewed the pleadings, the court enters the following Order.

ORDER

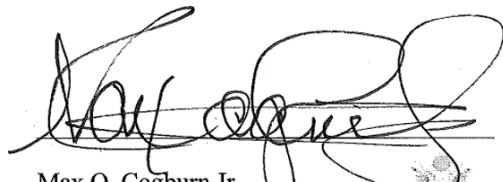
IT IS, THEREFORE, ORDERED that the joint Motion to Set Peremptory Trial Date (#12) in late November or early December 2011, or as soon thereafter as possible, is **GRANTED** and this matter is **CONTINUED** from the July 5, 2011, trial term. The Motion for Peremptory Setting is **HELD** in abeyance and will be heard at the conclusion of calendar call on July 5, 2011. The court will also address the parties' scheduling requests regarding pre-trial motions at the calendar call.

The court finds the delay caused by such continuance shall be excluded in accordance with 18 U.S.C. § 3161(h)(7)(A) as a period of delay resulting from a

continuance granted at the request of the defendant or his counsel or at the request of the attorney for the Government, as the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial because:

- (1) defendant needs additional time within which to investigate the allegations of the indictment and prepare for trial, taking into account the exercise of due diligence.

Signed: June 29, 2011



Max O. Cogburn Jr.
United States District Judge